



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

October 14, 2008

Lincoln 1 Pork, LLC
Attn: Robert D. Manning Jr.
33914 Yuma Ln.
Granger, IA 50109

Re: Construction Permit No. CP-A2008-200
Lincoln Pork, Facility ID #65900

Dear Mr. Manning:

Enclosed is the construction permit issued for your swine confinement feeding operation "Lincoln 1 Pork, LLC". As you recall, the Iowa Department of Natural Resources (DNR) made a preliminary determination on July 14, 2008 that your application for a construction permit to start a new swine confinement feeding operation satisfies the legal requirements for issuance of a permit. Now, pursuant to Iowa Code sections 459.303, 459.304 and Iowa Administrative Code (IAC) 65.10(7), the construction permit is issued.

Please read and be familiar with all the conditions and requirements contained in this permit. In Particular, please note condition number four (4) which requires that you receive written approval from the department before placing animals in your new confinement buildings and storing manure in the manure storage structures. Also note condition number one that requires that the approval of this department be obtained prior to modifying your manure control system or expanding the animal loading above the design capacity. The original permit should be retained in your files and copies should be provided to personnel responsible for operation of the animal manure disposal facilities.

If you have any questions regarding this permit, please contact Cyrus Rustin at 515/242-5819.

Sincerely,

ENVIRONMENTAL SERVICES DIVISION

Cyrus Rustin, P.E.
Environmental Engineer Senior
Wastewater Engineering Section

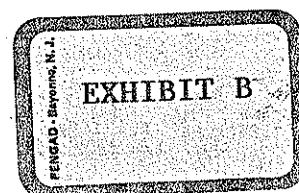
Enclosure

Copy to: Dallas County Board of Supervisors
Attn: Bob Ockerman, Chairman
801 Court Street, Suite 100
Adel, Iowa 50003

Brian Ritland
620 Country Club Road
Iowa Falls, IA 50126

DNR - Field Office 5 (Jeff Theobald)

502 EAST 9th STREET / DES MOINES, IOWA 50319-0034
515-281-5918 FAX 515-281-6794 www.iowadnr.gov



STATE OF IOWA
DEPARTMENT OF NATURAL RESOURCES
HENRY A. WALLACE BUILDING
DES MOINES, IOWA 50319

CONSTRUCTION PERMIT

Lincoln 1 Pork, LLC
Attn: Robert D. Manning Jr.
33914 Yuma Ln.
Granger, IA 50109

Permit No.: **CP-A2008-200**
File: Agriculture
RE: Lincoln Pork
Facility ID: 65900

In accordance with the provisions of Sections 459.303 and 459.304, and 567 Iowa Administrative Code (IAC) 65.7 (455B), the Director of the Department of Natural Resources does hereby issue a construction permit:

to construct two finishing barns (121'-10" x 237' with an 8' below floor concrete pit each). The entire operation will house 7,440 finishing swine. The buildings will be located in the SE1/4 of the SW1/4 of Section 15, T80N, R29W, Lincoln Township, Jasper County, Iowa. The maximum animal unit capacity confined at any time shall not exceed 2,976 animal units (A.U.).

This permit is issued subject to the following conditions and requirements:

1. No material change in the construction of this project shall be undertaken, unless first authorized by this Department.
2. This construction permit shall expire if the authorized construction is not begun within one year and completed within four years of the date of this permit. A new permit will be required for any construction not completed within four years of this permit, as specified in rule section 65.7(5).
3. The design capacity of the manure storage system for the proposed operation is for a total animal unit capacity of 2,976 A.U. and a maximum animal capacity, to be confined at any one time, of 7,440 head of finishing swine. A new construction permit shall be obtained prior to making any additions or alterations to the manure control system, making any process changes that would materially affect the manure control system or expanding the animal capacity.
4. **No animals shall be placed in your new confinement buildings until the following are satisfied:**
 - a. construction is completed;
 - b. you submit a certification that the below the floor pits for the new confinement buildings were:
 - i. Constructed in accordance with the concrete design standards of 567-65.15(14), IAC,
 - ii. Constructed in accordance with the drainage tile removal standards of 567-65.15(1), IAC, and including a report of the findings and actions taken to comply with this subrule, and

- iii. Constructed in accordance with the minimum required separation distances of the Iowa Code 2003 Sections 459.202 and 459.310;
 - c. you must notify this Department's Field Office #5 at 515/725-0268, at least 3 days prior to initial concrete pour for your manure storage pits;
 - d. A drainage tile system has been installed around the base of the manure storage structures (deep pits) or a licensed professional engineer submits his determination of the average annual high water table at the site, which shows that the groundwater table is not above the bottom of each manure storage structure (deep pit), as required in the 567 IAC 65.15(7)"b";
 - e. A device to allow monitoring of the water in the drainage tile lines installed to lower the groundwater table (see item d. above) and a device to allow shutoff of the drainage tile lines has been installed if the drainage tile lines do not have a surface outlet accessible on the property where the formed manure storage structure is located, as required in the 567 IAC 65.15(1) "c"; and
 - f. You receive written approval from the Department.
5. If karst terrain (limestone, dolomite, or other soluble rock) is found during excavation of the permitted formed manure storage structure(s), the upgraded concrete standards set forth in 567 IAC 65.15(14)"c", must be followed. Construction of an unformed manure storage structure in karst terrain, as defined in 567 IAC 65.1(455B), is prohibited. The Department must first authorize any design changes to the project, as required in condition 1 of this permit.
6. The Master Matrix evaluation of your application by Dallas County received July 11, 2008 includes scores for criteria 12, 16, 17, 19, and 25. The Master Matrix requires that design, operation, and maintenance plans for these criteria be included in the application and that compliance with said plans be a condition of the Permit. Accordingly, in constructing and operating this facility, you are required to comply with the plans you submitted to implement Master Matrix criteria 12, 16, 17, 19, and 25. Briefly stated:
- a) The permittee shall build, maintain, and operate the concrete pits according to their County-approved design, operation, and maintenance plans (criteria 12 and 17).
 - b) The permittee shall landscape around the new confinement structures with at least three rows of trees and shrubs of both fast and slow growing species that are well suited for the site and shall maintain it (criterion 15).
 - c) Any enhancement of dry manure shall be conducted inside of the manure storage structures or any other impermeable and covered pad (criterion 16).
 - d) The permittee shall build, maintain and operate the truck turnaround according to their County-approved design, operation and maintenance plans (criterion 19).
 - e) The permittee shall build, maintain, and operate the feeding and watering systems according to their County-approved design, operation and maintenance plans (criterion 25).
7. The Master Matrix evaluation of your application by Dallas County received July 11, 2008 includes scores for criterion 26e. The Master Matrix requires that the limitations or actions you accepted in choosing to receive score for this criterion must be included as a condition of the Permit. Accordingly, in operating this facility you are required to comply with Master Matrix criterion 26e. Briefly stated:
- a) The manure produced at this confinement operation shall be injected or incorporated on same date it is land applied (criterion 26 "e").

8. Prior to entering the winter season, a sufficient volume of manure shall be removed from the manure storage tanks to provide adequate volume for storage of manure produced in the livestock production facilities during the winter season.
9. Manure removed from the manure storage facilities shall be disposed of by land application in accordance with your approved manure management plan. You must also keep your manure management plan current and maintain records [within 30 miles of the site and pursuant to 567 IAC 65.17(12)] sufficient to demonstrate compliance with the plan.
10. Water usage in the confinement facilities that results in dilution of manure entering the manure storage tank shall be minimized.
11. Dilution water shall not be added to the manure storage tanks except during disposal operations when required to facilitate complete emptying of the tanks.
12. Human sanitary wastes shall not be discharged to the manure storage tanks.
13. The issuance of this permit in no way relieves the applicant of the responsibility for complying with all other local, state, and federal statutes, ordinances, and rules or other requirements applicable to the establishment and operation of this facility.
14. No construction activities shall be initiated unless a National Pollutant Discharge Elimination System (NPDES), General Permit No. 2, for Storm Water Discharge is obtained from this department if the required site disturbance and preparation **equals or exceeds one (1) acre**.
15. A water use permit is required for the withdrawal or diversion of more than 25,000 gallons of water per day. Water purchased from municipal or rural water systems is excluded. Any future wells shall be located respective of regulated separation distances and installed according to county permit requirements. For more information contact Jim Neleigh at (515) 725-0276.
16. All tile line intakes located within any fields used for land application of manure shall prior to application be sleeved with PVC piping or similar non-permeable barrier. The sleeves shall remain in place for at least three days after the application is completed for each such field.
17. All water wells located within any fields used for land application of manure shall prior to application be permanently plugged as provided in 567 Iowa Admin. Code chapter 39.
18. Land application of manure shall not be on frozen or snow-covered ground, except in the case of an emergency and IDNR Field Office No. 5 is first consulted regarding measures to limit the likelihood of manure runoff, or as otherwise authorized by a rule adopted subsequent to issuance of this permit.
19. Manure shall not be land applied during wet periods of runoff. In determining appropriate application timing, the person land-applying the manure shall consider the soil moisture as measured, the planned application rate, and anticipated precipitation events.
20. Prior to land application, manure from deep pits shall be sampled and analyzed for total kjeldahl nitrogen and total phosphorus and application rates shall be adjusted accordingly to comply with the manure management plan.
21. Land application of manure shall be according to the nutrient application rates of nitrogen and the Iowa phosphorus index.

22. A licensed professional engineer, who shall be retained on a consulting basis and not directly employed by the applicant as an employee, shall submit to the department a certification that the engineer supervised construction of the manure storage structures during critical points of construction with regard to concrete pouring and rebar placement, inspected the construction after completion and before commencement of operation, and that construction was in accordance with the drainage tile removal standards of 567 Iowa Admin. Code 65.15(1), along with a report of findings and actions taken to comply with the tile removal standards.
23. Prior to the first land application, an emergency response plan shall be developed and submitted to IDNR Field Office No. 5. The emergency response plan shall identify procedures and contacts for responding to, for example, spills and/or discharges of manure from the facility or land application sites. Copies of the emergency response plan shall be maintained at the facility and provided to persons involved in land applying manure.
24. The IDNR Field Office No. 5 shall be given at least 24 hours advance notice that manure will be land applied, the planned location of the manure application, and the name and phone number of the person or firm responsible for such manure application, except that legal holidays, or the Friday after Thanksgiving, shall not be counted as part of the 24 hours advance notice. For manure application at anytime on weekends or Monday mornings before noon, notice shall be given to the field office by noon on the preceding Friday, except that legal holidays, or the Friday after Thanksgiving, shall not be counted as part of the 24 hours advance notice.
25. Two rows of trees with each row being thirty (30) feet apart shall be planted and maintained with one row each of Austree (or similar fast-growing tree if Austree is not available) and Spruce. Excepting driveways and other access requirements, each tree shall be twelve (12) feet apart. The rows shall be planted at the following locations:

Along the south (Highway F31) adjacent to the facility, and along the north and west sides of the facility
26. One grass buffer ten (10) feet wide and five hundred (500) feet long shall be planted and maintained at the low runoff point in the northeast field along E Avenue.

Please contact Cyrus Rustin at 515/242-5819 with any questions.

For the Department of Natural Resources:

RICHARD A. LEOPOLD, DIRECTOR

By: Cyrus A. Rustin
ENVIRONMENTAL SERVICES DIVISION

Date: October 14, 2008

Copy to: Iowa DNR - Field Office 5 (Jeff Theobald)
Dallas County Board of Supervisors
Brian Ritland